

No. 9/2/87-6Lab/4800.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Rohtak, in respect of the dispute between the workman and the management of M/s. (i) The Rohtak Ashoka Theatre (P) Ltd., Rohtak (ii) R. R. Enterprises Lessee C/o Bharat Tractor old Quilla Road Rohtak:—

BEFORE SHRI B.P. JINDAL, PRESIDING OFFICER, LABOUR COURT, ROHTAK

Reference No. 100 of 87

between

SHRI SUNIL KUMAR DUA, WORKMAN AND THE MANAGEMENT  
OF M/S. (I) THE ROHTAK ASHOKA THEATER (P) LTD., ROHTAK (II) R. R.  
ENTERPRISES LESSEE C/O BHARAT TRACTORS OLD QUILLA ROAD  
ROHTAK

Petitioner with Shri S. N. Vats his A. R.

None for the respondents.

#### AWARD

1. In exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, the Governor of Haryana, referred the following dispute between the workman Shri Sunil Kumar and the management of M/s (i) The Rohtak Ashoka Theater (P) Ltd., Rohtak (ii) R. R. Enterprises Lessee C/o Bharat Tractor Old Quilla Road, Rohtak, to this Court, for adjudication,—*vide* Haryana Government Gazette Notification No. 12632—38 dated 27th March, 1987 :—

Whether the termination of services of Shri Sunil Kumar, is justified and in order ? If not, to what relief is he entitled ?

2. After receipt of the order of reference, notices were issued to the parties. The respondents did not appear despite service. The case of the petitioner is that he was employed with the respondent as a Booking Clerk for the last about four years and that the respondent choose to terminate his services unlawfully, on 16th May, 1986 in flagrant disregard of the provision of section 25F of the Industrial Disputes Act, 1947 (hereinafter referred to as the Act). He has claimed reinstatement with continuity of services and full back wages.

3. Respondent number 1 did not appear inspite of service through its Manager Harish Bakshi. Similarly, respondent number 2 refused service of the registered notice. So, *ex parte* proceedings order was passed against the respondent on 26th May, 1987 and 23rd April, 1987 respectively.

4. In *ex parte* evidence the petitioner himself appeared as WW-1 and made statement completely in corroboration of his claim. He further stated that on the eve of termination of his services his monthly wages were Rs. 600/- p. m. and that since that date he is unemployed. I, see no reason to disbelieve the unrebutted sworn deposition made by the petitioner and find that the respondents unlawfully terminated the services of the petitioner on 16th May, 1986 without complying with the mandatory provisions of section 25F of the said Act. So, the said order of termination cannot be sustained. The same is set aside. The petitioner is ordered to be reinstated with continuity of service and full back wages. The reference is answered and returned accordingly with no order as to cost.

Dated 30th May, 1987.

B. P. JINDAL,

Presiding Officer,  
Labour Court, Rohtak,

Endst No. 100-87/1899, dated the 5th June, 1987.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour & Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

B. P. JINDAL,

Presiding Officer,  
Labour Court, Rohtak,